



**Via Electronic Filing**

February 8, 2008

The Honorable Barbara S. Jones  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

RE: Bhatia v. Alcobex Metals Ltd.  
07 CV 9346 (BSJ)  
Our File No.: 29693-JAS

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Dear Judge Jones:

We represent defendant Alcobex Metals Ltd. ("Alcobex") in connection with the captioned matter and write to object to plaintiff, Bhatia Shipping & Agencies Pvt. Ltd.'s ("Bhatia") unauthorized submission of a sur-reply in connection with defendant's motion to vacate the maritime attachment obtained in this matter.

On February 1, 2008, without leave of Court or prior notice to counsel, Bhatia filed a sur-reply and a further Affirmation from Bhatia's English solicitors. The sole basis for Bhatia's sur-reply is the Bhatia's belief that Alcobex's argument that Bhatia's judgment was not a maritime claim was raised, for the first time, in Alcobex's reply brief. In fact, Alcobex raised this issue in its main brief and Bhatia addressed the issue in its opposition. While Alcobex cited caselaw that was published after the submission of Alcobex's initial brief, the issue was certainly not raised for the first time in a reply brief. Accordingly, Alcobex respectfully requests that the Court disregard Bhatia's sur-reply.

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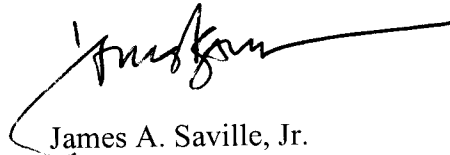
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To the extent the Court is willing to consider Bhati's sur-reply, we respectfully request leave to file a brief response to Bhatia's submission.

We thank the Court for its consideration of the foregoing.

Respectfully submitted,

HILL RIVKINS & HAYDEN LLP



JAS/mc  
29693\004 Court

cc: **Via Electronic Filing**  
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